

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOUGLAS DYNAMICS, L.L.C., D/B/A
WESTERN PRODUCTS,

Plaintiff

v.

B&P SUPPLY, INC.

Defendant

CIVIL ACTION
Docket No: 04-cv-1.467

ANSWER

Defendant, B&P Supply, Inc., by its attorney, Paul B. Sherr of Aaronson & Lucido, P.C., hereby respectfully files its original Answer to the original Complaint of the plaintiff in the above styled cause. In support thereof, this answering defendant admits, denies and affirmatively asserts as follows:

PARTIES

- 1: Defendant admits the allegations of paragraph 1.
- 2: Defendant admits the allegations of paragraph 2.

JURISDICTION AND VENUE

- 3: Defendant admits the allegations of paragraph 3.
- 4: Defendant admits the allegations of paragraph 4.

COUNT I – BREACH OF CONTRACT

- 5: Defendant admits the allegations of paragraph 5.
- 6: Defendant admits the allegations of paragraph 6.
- 7: The defendant denies knowledge sufficient to form a belief regarding the allegations in Paragraph 7.

- 8: The defendant denies the allegations of Paragraph 8.
- 9: The defendant admits the allegations of Paragraph 9.
- 10: The defendant denies the allegations of Paragraph 10.
- 11: The defendant denies the allegations of Paragraph 11.
- 12: The defendant denies the allegations of Paragraph 12.
- 13: The defendant denies the allegations of Paragraph 13.
- 14: The defendant denies the allegations contained in Paragraph 14 to the extent that a breach is alleged, and denies sufficient information to form a belief as to all other allegations contained in Paragraph 14.

COUNT II – ACTION ON THE PRICE

- 15: The defendant repeats and reiterates each answer contained in paragraphs 1 through 14 of this Answer as though fully set forth herein.
- 16: The defendant admits the allegations of Paragraph 16.
- 17: The defendant denies the allegations of Paragraph 17.
- 18: The defendant denies the allegations of Paragraph 18.
- 19: The defendant denies knowledge sufficient to form a belief regarding the allegations in Paragraph 19
- 20: The defendant denies the allegations of Paragraph 20.
- 21: The defendant denies the allegations of Paragraph 21.

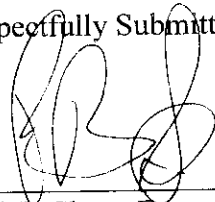
AFFIRMATIVE DEFENSES

- A: The complaint fails to state a claim upon which relief may be granted.
- B: If it is found that the defendant owes monies to the plaintiff based upon the allegations contained in the plaintiff's complaint, then the defendant is entitled to a

setoff based upon monetary losses it incurred in the same transaction due to the plaintiff's unfair business practices, and the plaintiff's failure to meet the terms of its agreement with the defendants.

WHEREFORE, the defendant respectfully requests that pursuant to its Answers and affirmative defenses that the complaint be dismissed, judgment be granted in favor of Defendant, B&P Supply, Inc., and that the court grant such other and further relief as it deems just and appropriate.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'P. Sherr', is written over a horizontal line.

Dated: November 24, 2004

Paul B. Sherr, Esq.
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